

I N S T R U M E N T

entitled

Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) (Amendment)

Instrument 2018

To be made by the Minister for
Justice and Equality

WHEREAS the following resolution, as amended by resolution passed by Dáil Éireann on 29 November 2018 and by Seanad Éireann on 29 November 2018, was passed by Dáil Éireann on 13 November 2018 and by Seanad Éireann on 14 November 2018:

“That Dáil Éireann¹:

noting the publication of the third interim report of the Tribunal of Inquiry into protected disclosures made under the Protected Disclosures Act 2014 and certain other matters;

bearing in mind the modular approach to be adopted for the inquiry so that the work of the Tribunal could be continued and concluded, namely, as the second module, the matter at paragraph [p] of the Resolutions the text of which is set out in the recital to the Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) Instrument 2017 appointing the Tribunal established pursuant to Resolutions of Dáil Éireann and Seanad Éireann on 16th February, 2017, under the Tribunals of Inquiry (Evidence) Act 1921; and

resolves that the Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) Instrument 2017 appointing the Tribunal established pursuant to Resolutions of Dáil Éireann and Seanad Éireann on 16th February, 2017, under the Tribunals of Inquiry (Evidence) Act 1921 be amended to provide that, from the date of the making of the amending instrument—

¹ In the resolution of Seanad Éireann, the reference is to Seanad Éireann.

(1) The Honourable Mr. Justice Sean Ryan, the former President of the Court of Appeal, be appointed as a member of the said Tribunal so that from that date the Tribunal shall consist of the Honourable Mr. Justice Peter Charleton, who was appointed by the Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) Instrument 2017 and the Honourable Mr. Justice Sean Ryan, and

(2) The Honourable Mr. Justice Peter Charleton, a Judge of the Supreme Court and member of the said Tribunal, shall be the chairperson of the Tribunal.”:

AND WHEREAS following consultation between the tribunal appointed by the Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) Instrument 2017 (hereinafter called the “Principal Instrument”) pursuant to a resolution passed by Dáil Éireann on 16 February 2017 and by Seanad Éireann on 16 February 2017 and the Attorney General on behalf of the Minister for Justice and Equality, the said tribunal has consented under paragraph (a) of section 1A(1) of the Tribunals of Inquiry (Evidence) Act 1921 ((11 & 12 Geo. 5) c. 7), to the amendment, specified in Article 2 of this Instrument and made pursuant to the resolution passed by Dáil Éireann on 13 November 2018 and by Seanad Éireann on 14 November 2018 (as amended by resolution passed by Dáil Éireann on 29 November 2018 and by Seanad Éireann on 29 November 2018) set out above, of the Principal Instrument:

AND WHEREAS pursuant to the resolution passed by Dáil Éireann on 16 February 2017 and by Seanad Éireann on 16 February 2017 the text of which is set out in the recital to the Principal Instrument, the Government is appointing another member to continue and

conclude the work of that tribunal, namely the matter at paragraph [p] of the resolution passed by Dáil Éireann on 16 February 2017 and by Seanad Éireann on 16 February 2017, as the second module:

NOW, I, Charles Flanagan T.D., Minister for Justice and Equality, in pursuance of the resolution passed by Dáil Éireann on 13 November 2018 and by Seanad Éireann on 14 November 2018 (as amended by resolution passed by Dáil Éireann on 29 November 2018 and by Seanad Éireann on 29 November 2018) set out above and in exercise of the powers conferred on me by sections 1(1) and 1A(1) of the Tribunals of Inquiry (Evidence) Act 1921 ((11 & 12 Geo. 5) c. 7), and section 2 of the Tribunals of Inquiry (Evidence) (Amendment) Act 1979 (No. 3 of 1979) make the following instrument:

1. This Instrument may be cited as the Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) (Amendment) Instrument 2018.

2. The Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) Instrument 2017 is amended -
 - (a) by the insertion of the following Article after Article 1:

“1A. In this Instrument “operative date” means the date of the making of the Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) (Amendment) Instrument 2018.”, and

(b) by the insertion of the following Articles after Article 3:

“3A. On and from the operative date, the Honourable Mr. Justice Sean Ryan, the former President of the Court of Appeal, is appointed as a member of the Tribunal, which shall, from that date, consist of the member appointed under Article 3 and the member appointed under this Article.

3B. On and from the operative date, the Honourable Mr. Justice Peter Charleton, a judge of the Supreme Court and member of the Tribunal, shall be the chairperson of the Tribunal.”.

GIVEN under my Official Seal,

10 Dec 2018.

[Signature]

Minister for Justice and Equality.